

Topsfield Conservation Commission

Meeting of Wednesday, December 2, 2009 ~7 PM

Topsfield Library Meeting Room

Acronyms:

TCC – Topsfield Conservation Commission

DEP – Department of Environmental Protection

NOI – Notice of Intent

RDA – Request for Determination of Applicability

BVW – Bordering Vegetated Wetland

EO – Enforcement Order

CR – Conservation Restriction

BOS – Board of Selectmen

OoC – Order of Conditions

DoA – Determination of Applicability

ORAD – Order of Resource Area Delineation

Public Information: Agenda

OPEN MEETING: The meeting was called to order at 7:08 p.m. with a quorum present; Commissioners George Hall, Chair; Holger Luther; Jim MacDougall; Mark Erickson

Also present: Lana Spillman, TCC Administrator; Catherine Tinsley, Minutes Secretary

Absent: Commissioners Jennie Merrill; Jud Pratt

TCC signed bills, authorizations and time sheets.

RDNI REQUEST:

RDNI 2009-10: 132 Main Street, (Map 25, Lot 4), Mercer

Present: Mr. Mercer, property owner

The proposal is to prevent water from flooding the garage by installing a prefabricated infiltration trench in front of the garage leading out to the sides, with washed gravel and 4-inch perforated drain pipe for 24 feet. This work would be in the Buffer Zone.

Mr. Erickson made a motion to issue a Determination of Negligible Impact letter under the Bylaws of the Town of Topsfield. Mr. Luther seconded and the motion carried by unanimous vote.

HEARINGS:

Continuation, Amended OoC TCC 2006-01: 72 Hill Street, (Map 69, Lot 16), Malinowski/Hayes Engineering

Present: there was no representation.

The proposal is to install a pipe to intercept water and divert it to the existing Intermittent Stream flowing through the center of the property

Mr. Luther reported on the site visit of November 20th. Hayes Engineering is expected to be submitting a revised plan for the next meeting.

Mr. Luther made a motion to continue the hearing to December 16, 2009 under the Act and the Bylaw.

Mr. Erickson seconded and the motion carried by unanimous vote.

Mr. Hall requested that a letter be sent to Hayes Engineering seeking confirmation of their consent to the continuance.

NOI 307-0655: 171 Haverhill Road (Map 2, Lot 8), Williamson

Proof of abutter notification was submitted; Mr. MacDougall read the legal ad.

Present: Jim MacDowell of Eastern Land Survey

The proposal is for the addition of a small room on the rear of the house, which is in the Buffer Zone of Hoods Pond. Mr. MacDowell explained that Bill Manuell had flagged the edge of the pond and that the entire house is in Buffer Zone. He referenced a site plan dated July 22 2009, revised October 2, 2009, and revised again October 26, 2009.

The hearing was open to the public; there was no public comment.

Mr. Luther made a motion to close the hearing and to issue an Order of Conditions with Standard Conditions under the Act and Bylaw. Mr. MacDougall seconded and the motion carried by unanimous vote.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

Enforcement Order, Violation Notice & Bylaw Ticket #2007-11: 270 Boston Street, (Map 41, Lot 87)

Richard Albright – update and discussion

Present: Richard (a.k.a. Bear) and Pam Albright, 54 High Street (owners of 270 Boston Street)

Mr. Albright told the Commission that although he previously had suggested their working with Greenbelt to put the 270 Boston Street property into a Conservation Restriction, he and his wife have decided not to proceed with seeking a CR at this time.

Mr. Hall acknowledged the Albright's request for public record information, noting that the law does not require staff to prepare this information. After further discussion, including about where fine monies go and the process of enforcement, Mr. Hall summarized that there were significant violations of the Act and Bylaw committed and that the amount of fines is not inconsistent with penalties paid for significant violations. He will work with the Administrator regarding the Albrights' request.

The Commission asked for a formal proposal in writing from the property owners of their intentions. This matter was continued to the next TCC meeting.

2nd Amended Enforcement Order #4: 215 Washington Street, (Map 46, Lot 7), Galka – Update

Ms. Spillman reported that the letter issued November 9, 2009 to the Galkas was returned to the TCC office yesterday, December 1st. It was the consensus of the TCC to commence fines under the Bylaw ticketing process, on a weekly basis. The first fine will be issued for noncompliance with an Enforcement Order, in the amount of \$200.

OoC 307-0510, Ipswich Road Project – update

The TCC was updated on the most recent report from Steven Eriksen, the environmental monitor. Mr. Luther will follow up with a site visit during the next rainstorm, expected tomorrow.

SORAD 307-0640: 57 Candlewood Drive & 109R Perkins Row, (Map 43, Lot 7), Skeffington – update:

The TCC acknowledged a letter from DEP dated November 30th concerning the request for a superseding Order of Conditions for file number 307-0638. This letter asks for additional information from Mr. Skeffington and suggests that a Superseding Order of Conditions will be issued by DEP for the proposed project.

REQUEST:

CoC 307-0442: 44 Prospect Street, (Map 40, Lot 95), Taylor/The Neve-Morin Group, Inc.

Present: Scott Taylor, property owner, and Mike Crowe, owner of abutting property at 50 Prospect Street.

Ms. Spillman told the Commission that she has not yet made the usual follow-up site visit and she would like to make a site visit. She questioned whether there have been unauthorized activities (fenced area/paddock) in the Buffer Zone abutting 50 Prospect Street. Mr. Hall read the As-Built Plan letter

issued by The Neve-Morin Group. TCC scheduled a site visit to review the site for December 5th. The review of the CoC request is continued to the next TCC meeting.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

222 Boston Street, (Map 49, Lot 41) – Discussion

Present: Kim Sandler, Coldwell Banker, representing the seller of the property.

Ms. Sandler told the Commission that the buyer is interested in having a wood processing business onsite and plans to raze the existing building, bringing in fill to eliminate the basement and to erect a barn on a slab. Ms. Spillman pointed out that the main concern is flood storage. Mr. Hall added that the proposal would have to meet state performance standards and suggested consulting with an engineer.

Water Quality Monitoring, School Brook behind Town Library – Discussion

The most recent BioMarine Lab fecal coli form count from October 13th is **6,000**/100 ml. The source of this coliform bacteria is unknown. It was noted that there was very little rain in October, about 0.2 inch on October 13th.

Additional testing sites along the School Brook to narrow down the point of pollution were considered; the Commission has permission from the Library for additional testing.

This information will be referred to the Board of Health.

Rail Trail Nol – Discussion

The TCC office has not received to date the anticipated Nol for the Rail Trail construction. Mr. Hall will speak with the Chair of the Rail Trail Committee, Joe Geller.

207 Boston Street, Topsfield Fairgrounds –Follow-up

Police and Fire Departments do not have a list of addresses of those properties providing parking for the fair. The TCC requested that Spillman bring maps of the area to the next meeting.

Bylaw Amendment(s) for Annual Town Meeting – Discussion

The TCC discussed the proposed bylaw amendments. Pratt and Hall will bring them before the Board of Selectmen on December 10th. A draft Article for Town Meeting Warrant was also reviewed.

Approve 2010 Conservation Commission meeting dates

Mr. Luther made a motion to accept the TCC meeting dates of the second and fourth Wednesdays of the month for 2010 as listed. Mr. MacDougall seconded and the motion carried by unanimous vote.

Conservation markers – color and language

The Commissioners looked at sample colors and text for the Conservation markers to be ordered from Voss Signs. It was the consensus for the text to read Conservation Boundary; a yellow color was chosen.

ADMINISTRATOR'S REPORT:

FY 2011 Budget

Ms. Spillman reported on the budget meeting with the Finance Committee, saying that the budget is the same as the FY 2010 Budget, except:

- Possibly increasing Bylaw Revolving Fund request from \$10,000 to \$11,000, since TCC has used 54% of the current year's \$10,000 as of November 30th.
- Request for Commission Secretary may be slightly less due to the new secretary being a step lower.

The Commissioners will discuss the operational needs of the TCC office at a future meeting.

Request from Mike Crowe, 50 Prospect Street, (Map 48, Lot 12), OoC 307-0652

Present: Mike Crowe, property owner

Mr. Crowe updated the TCC and requested a pre-activity meeting and to go forward with the installation of sedimentation controls and the clearing of brush. He explained that the Planning Board has not issued a permit or exemption decision related to the Stormwater Bylaw. Discussion followed. It was the consensus of the TCC to approve this request to install sediment control barriers under the TCC Order of Conditions.

Letters from Boxford grade school students regarding vernal pools in Topsfield

Ms. Spillman was instructed to respond to the letters as she sees fit. It was suggested that certification of vernal pools in Topsfield could be a class project.

Partial collapse of Route 1 (cow path tunnel) at Death Valley, 56 Boston Street

Ms. Spillman reported that it appears that the partly collapsed tunnel is within BLSF (FEMA Zone A) and Riverfront Area and informed the TCC that she is working with Mass Highway and expects to issue an Emergency Certification this week. She would like to see preservation of the pathway for wildlife. This tunnel currently is about 40 inches wide by 6 feet high. The Salem Beverly Water Board will be informed of the recommendation of the TCC to keep this path open.

362 Boston Street, (Map 26, Lot 1)

The request is to demolish structures down to foundations under a Nol or RDA without TCC verification of Resource Areas/boundaries. The TCC noted their concern that there is nothing on the Neve-Morin plan indicating who did the wetland delineation on the land, and the delineation has not been verified by TCC. The TCC did not anticipate any problems with issuing a DoA and the proposed sedimentation control line.

Commissioner List

The Commissioners' List of names, addresses, and term were provided to the TCC for review and approval.

Jim MacDougall informed TCC that he will be flagging wetlands for the Rail Trail Committee in the next couple of weeks, from Washington Street down.

9:55 pm – Mr. Luther made a motion to adjourn and it was unanimous to do so.

Respectfully submitted,

Catherine Tinsley

Accepted at the TCC meeting on November 17, 2010

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Commission constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Commission as to the completeness or accuracy of such statements.